



Ontario
Human Rights
Commission

Commission
ontarienne des
droits de la personne

PUROLATOR

Personal & Confidential

February 11, 1992

Mr. Chris Brown
6267 Castille Court
Orleans, ON
K1C 1X4

Dear Mr. Brown:

RE: BROWN, Chris
and
Ministry of Citizenship
and Office for Disability Issues
File No. 40-599R

This is further to your above cited complaint. Please find enclosed a copy of the respondent's response to your allegations. Should you wish to comment or have any questions please do not hesitate to contact me.

If you do not agree with the respondent's response in whole or in part, would you please state this in writing to me clearly outlining where you disagree.

This response has been sent to you for comment while the facts are still current but you should note that your complaint will not be actively investigated until it has been assigned to an officer. You will be informed when your file is assigned for active investigation.

Yours sincerely,

A handwritten signature in cursive script, reading "J. A. Polley".

Joe Polley
Regional Case Coordinator
255 Albert Street, Suite 401
Ottawa, ON
K1P 6A9

Telephone: (613) 232-0489
Fax: (613) 239-1568

Enc: Respondent's reply

JP/tu

**HUMAN RIGHTS COMPLAINT BY CHRIS BROWN
AGAINST THE OFFICE FOR DISABILITY ISSUES
AND THE MINISTER'S STAFF
AND
ODI'S RESPONSES**

COMPLAINTS 1 - 4

These deal with the fact that Mr. Brown suffers from environmental hypersensitivity (EH) and that, in trying to meet with staff from the Office for Disability Issues and the Minister's advisors on May 22, 1991, unspecified barriers prevented him from attending. He asked for a conference call to be arranged instead and his request was denied, he claims. He claims he was unable to present his concerns to the Minister and ODI.

RESPONSE

- Monica Woodley has documented an account of her attempt to arrange the May 22 meeting. It is attached. ODI staff were ready and willing to meet with him. (1).
- Mr. Brown claims he was unable to present his concerns to the Minister and ODI. In fact, Mr. Brown has been in frequent contact with the Office from 1988 onwards and has made his views well known through Ministerial correspondence, phone calls and a report he drafted for the Secretary of State. The dates are the following:
 - July, Aug. and Sept. 1988 - letters to Minister Mancini (2,3,4.)
 - July and August 1988 - numerous phone calls on a regular basis to ODP staff, the Senior Adviser, the Minister's office.
 - Jan. 1989 - forwarded a copy of the report he prepared for the Secretary of State giving the chronology of federal and provincial responses to the issue of EH. He continued the phone calls during this month.
 - March 1989 - forwarded a copy of a letter he wrote to Richard Allen, M.P.P. complaining about the "runaround" he was getting from Mr. Mancini, his staff and ODP. Mr. Allen did not raise it with Mr. Mancini.
 - April 1989 - letter to Minister Mancini (5)
Mr. Brown appealed to a member of the ODP staff to carry his concerns forward. When this officer explained he needed documentation to make a case, Mr. Brown ignored his request and

subsequently accused him of bad faith. He also threatened suicide and said his blood would be on the staff member's hands.

November 1989 - Mr. Brown resumed his telephone calls to the Senior Adviser, the Manager of Communications and policy staff. The phone calls were frequent and lengthy.

May 1990 - letter to Minister Collins (6)

COMPLAINT 5

"This incident was the last in a series of the respondents failing to provide services to me and to persons disabled by sensitivities. For example:" (here Mr. Brown lists a series of requests he claims he made which were denied)

- include ES in public awareness efforts;
- bring forward the needs of persons with ES in policy development to the Ministry of Health as recommended by the Thomson report of 1985 and Ontario's Chief Coroner in 1989.
- bring forward ES concerns in policy development in the Ministries of Housing, MCSS, Agriculture, Consumer and Commercial Relations, Environment and others.
- bring to the attention of MOH the fact that past and present policy is causing millions of dollars in damages, increased disability and deaths.
- bring to the attention of Cabinet that adverse differential treatment on the part of provincial agencies was hurting those with EH.
- bring forward the concerns of those with EH to the Mental Health Services Branch.

RESPONSE

- The Office for Disability Issues (formerly the Office for Disabled Persons) has a mandate to advocate within government to ensure that the needs of disabled persons are taken into account in policy, legislation and program development. The Office, in identifying an issue of concern to the disabled community, determines what kinds of initiatives the government has taken to address the issue. Should no action yet have been undertaken,

or should current programs and policies prove inadequate, ODI brings this to the attention of the line ministry or ministries responsible for the issue area so they may develop an appropriate response. ODI puts the line ministry and the relevant disability associations in touch with each other, if this is not already happening. It also ensures that the information which has been provided to the Minister or ODI is made available to the line ministry. ODI has very limited program responsibility and can only initiate policy development activity in full cooperation and support of line ministries. (7)

- The issue of EH first came to ODI's attention in 1988 as the result of communications from Mr. Brown. In response, ODI made enquiries at the Ministry of Health and it was determined that:
 - the Ministry of Health had been in constant and continual contact with Mr. Brown, as well as professional experts in the field and was well aware of the issue. It had taken a number of steps which were designed to provide information for further policy and program development, including establishing a task force and a research fund.
 - There was no medical consensus on the cause or causes of EH but a working definition describing the symptoms had been developed by a panel of professional experts for the Task Force report. (8) Because there was no medical consensus, the appropriate strategy at that stage was research. This was being undertaken. Further program development could not be undertaken until the nature of the disability and the most effective treatments could be identified.
 - ODI further determined that the scope of the problem was unknown and that there was conflicting evidence on this. On the one hand, Mr. Brown claimed that Ministry of Health policies were causing millions of dollars in damages and pushing EH victims to commit suicide.
 - On the other hand, the Thomson report, while identifying that there were a number of persons who are being adversely affected in various ways by exposure to one or more agents in the environment, went on to caution that no statement of prevalence was possible and they

-4-

questioned estimates which said the population is large and growing rapidly.(8)

- Mr. Brown provided no documentary evidence of suicides, denial of services or prevalence figures to the Office, although he was repeatedly requested to do so in his telephone conversations with policy staff. ODI, it was explained to him, needed this evidence in order to be able to proceed.
- In 1988, the issue of EH, or a denial of services by government funded agencies, had only been raised with the Office by Mr. Brown. Since that time only two other persons have written to the Minister on this topic. Issues of serious concern which affect a number of people, in the experience of the Office, generate scores of letters from the disabled community.
- One further factor has been taken into account in assessing the evidence of the scope of the problem, the credibility of Mr. Brown. His behaviour during calls to ODI staff, the Minister's staff, and staff at the Ministry of Health is unpredictable. He is sometimes calm and rational, sometimes threatening and abusive, and sometimes deeply depressed. He has threatened suicide on several occasions. He lets it be known that he tapes phone calls to government officials and will go to the media if his wishes are not carried out. His credibility has been further eroded by the fact that the Allergy and Environmental Health Association advised government in 1988 that Mr. Brown neither represented nor was authorized to speak for the association. The Human Ecology Foundation said it was "regrettable that this gentleman is still creating difficulties for people who are doing their best to address very serious environmental health problems." Government is still working with these associations.
- After determining in 1988 the status of the issue, ODI determined that, on the basis of the evidence available, the proper course of action was to inform MOH staff of Mr. Brown's concerns, and to ensure they were dialoguing with the relevant non profit lobby groups and to report back to Mr. Brown. This was done. It was also decided to monitor the progress of initiatives being taken by the Ministry of Health. This was also done (9).

- After the 1988 calls, Mr. Brown made ODI staff aware of a further facet to the problem of EH, the linkage with psychiatric disability. ODI determined that this was being addressed in the planned September 1991 workshop to be held by the Mental Health Facilities Branch of the Ministry of Health.
- Since Mr. Brown has laid a Human Rights complaint against the Crown, the Minister and the Office, he has made available a file of documents which provide more information about his claims. The Office was first given access to these documents in June 1991. They include the following:
 - a letter dated Feb. 1985, from Elie Martel, M.P.P. to George Thomson reporting three people suffering from various sensitivities who had requested help getting OHIP coverage for food supplements, medical testing and a disability pension.
 - a letter dated April 3, 1986 to Hon. Murray Elston from Dave Cooke, M.P.P. about two constituents, a woman and her son, reported to have EH.
 - a letter dated June 30, 1986 to Mr. Brown from the Minister of Community and Social Services, the Hon. John Sweeney. (10)
 - a letter dated Oct. 1989 to the then Minister of Housing from the Chief Coroner of Ontario asking for an interministerial effort to look at EH. The letter was prompted by the case of a man who had committed suicide because of chronic suffering from a variety of symptoms, one of which was EH.
 - a memo from the Director of the Income Maintenance Branch of MCSS to all Area Managers re. accessing benefits for persons with EH.
 - a letter to Mr. Brown from the Premier of Ontario, the Hon. Bob Rae stating government position on EH. (11)
- To summarize ODI's response to being made aware of the issue of EH:
 - ODI investigated the status of the issue and determined that the relevant Minister and ministry staff were aware of the issue and actively addressing it in cooperation with experts from the field. The initiatives were judged to be appropriate, given the lack of evidence from

Mr. Brown and the lack of consensus among professionals about the nature and scope of the problem and its possible solutions.

- ODI informed Mr. Brown of its findings and let him know that ODI was aware he had been talking to MOH for some time.
- ODI determined that MOH staff were talking to the relevant community groups.

COMPLAINT 6

- Mr. Brown claims he has been denied the services of ODI, along with this group in general. He claims his right to equal treatment has been denied in contravention of the Ontario Human Rights Code.

RESPONSE

- The function of the Policy and Research Services Division of ODI is explained above. It is to effect the policy, legislation and program development process of government ensuring the needs of disabled persons are taken into account. This function was carried out in response to Mr. Brown's information about the issue of EH.
- Should Mr. Brown have requested help accessing government services or benefits for his own needs, he would have been referred to and received help from the Community Initiatives Division of ODI. Such help was offered to one of the two individuals referred to on page 4 who had approached the Office for help. In the case of the second person, who was in a correctional facility, his case was referred to the appropriate authority, the Solicitor General of Canada.
- An attempt to arrive at a satisfactory solution to the complaint was made by ODI and the Minister's staff without success. (12)